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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,868	06/19/2001	Ronald Lourie	5044600/30250	1903
26386	7590	02/27/2006	EXAMINER	
DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C. THE FINANCIAL CENTER 666 WALNUT STREET SUITE 2500 DES MOINES, IA 50309-3993			ZURITA, JAMES H	
		ART UNIT	PAPER NUMBER	
		3625		
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/884,868	LOURIE, RONALD	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 05 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Prosecution History***

The following information is provided to clarify the record.

On 19 June 2001, applicant filed the instant application, which was published on 19 December 2002 as PG-PUB US 20020194080 A1. There are no claims to priority.

On 29 July 2004, the Examiner rejected claims 1-5 as unpatentable over Risafi in view of Southworth and further in view of Rosen.

On 1 November 2004, applicant amended claims 1, 3-5.

On 2 February 2005, the Examiner issued a final rejection of claims 1-5 as unpatentable over the same references.

On 24 August 2005, applicant filed a notice of appeal.

On 5 December 2005, applicant filed an appeal brief, along with amendments.

The present Office Action is in response to applicant's appeal brief.

***Response to Appeal Brief***

In view of the appeal brief filed on 5 December 2005, PROSECUTION IS HEREBY REOPENED. A new ground for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claims 1-5 are pending, as amended on 1 November 2004.

### ***Response to Arguments***

The amendment of 5 December has been entered.

The rejection under 35 USC 101 is withdrawn in view of applicant's comments.

Objections to the drawings are withdrawn in view of amendment.

Applicant's arguments concerning the rejection under 35 USC 103(a) have been carefully considered but are moot in view of new grounds of rejection.

The Examiner will take advantage of this opportunity to further elaborate on prior Office Action(s), and relies on applicant's text to interpret ***anonymous[-ly]***

Traditional merchants like grocery stores, convenience stores, banks, or retailers could provide the cards to individuals on an as needed basis. Furthermore, ***vending machines*** could dispense the cards. An individual would purchase a card in the desired denomination, preferably in ***cash***. The transaction would involve only the exchange of the card and the payment, with ***no communication of personal information***. In other words, the transaction is completely [sic] ***anonymous***. The merchant (or ***vending machine***) receives the ***cash***, and the individual receives the card. At a later point in time, using conventional means of exchange, the card issuing authority would receive the money from the merchant or collect the money from the ***vending machine***. The merchant, or ***vending machine***, would also communicate to the card issuing authority the indicia of the card to establish which cards have entered the stream of commerce and

which remain unsold. [See page 9, line 17-page 10, line 5; paragraph 28 of PG-PUB US 20020194080 A1, emphasis added.]

Therefore, prior art will be interpreted to disclose applicant's

- ... **anonymous** method of transaction...
- ...**issuing** said card to a consumer **anonymously** in exchange for payment by said consumer of said predetermined denominational value associated with said card...

where prior art discloses purchasing a card by providing payment in cash, or

where prior art discloses prepaid card(s) where verification of a purchaser's identify is not required, or where an individual purchases a prepaid card at a card dispensing device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Risafi et al. (US 6,473,500).

**As per claim 1, Risafi discloses limitations of applicant's anonymous method of transaction, comprising:**

**providing a card** of predetermined denominational value having an indicia of identification associated with a card and a value. See, for example, at least Col. 2, lines 7-39.

**issuing a card** to a consumer anonymously in exchange for payment by a consumer of a predetermined denominational value associated with a card. See, for example, Col. 1, line 54-Col. 2, line 8. See also references to card dispensing devices, Col. 6, lines 38-58. See also references to purchasing cards via cash payments.

**presenting** a card to a merchant as payment to a merchant for a transaction of goods or services, wherein payment by a consumer to a merchant is less than or equal to a predetermined denominational value associated with a card. See, for example, at least references to remaining balance, at least Col. 2, lines 7-38.

**verifying a card** by transmitting indicia of identification and the amount of payment by a consumer to a merchant, from a merchant to a card issuing authority. See, for example, at least references to verifying identification, items and transactions, Col. 13, line 53-Col. 14, line 19.

**issuing an approval code** by a card issuing authority to a merchant. See at least receiving approval, for example Col. 13, line 63-Col. 14, line 19.

**completing a transaction** by a merchant providing goods or services to a consumer. See, for example, at least references to purchasing goods and services, for example, Abstract, Col. 1, line 1-Col. 2, line 39.

**transferring funds** from a card issuing authority to a merchant in the amount of payment from a consumer to a merchant. See, for example, at least references to payments, Col. 19, lines 1-13.

**As per claim 2, Risafi** discloses that a merchant has a Web site and transactions may take place through a merchant's Web site. See, for example, at least Col. 19, line 47-Col. 20, line 24.

**As per claim 3, Risafi** discloses

first **transmitting** indicia of identification and the amount of payment from a consumer to a merchant (See, for example, Fig. 6a, items **612** and **614**)

from a merchant to a merchant's acquiring bank (see, for example, at least Fig. 6a, item 616, which sends the data to acquiring bank **604**) and

then to a card issuing authority (Fig. 6a, item **410, issuer**), and

**issuing** an approval code from the card issuing authority to the merchant's acquiring bank and then to the merchant (see, for example, Col. 13, lines 33-52).

**As per claim 4, Risafi** discloses first transferring the transactional payment from the consumer to the merchant's acquiring bank and then to the merchant. See, for example, at least Col. 13, lines 53-62.

**As per claim 5, Risafi** discloses deducting the amount of payment from a consumer to a merchant, from the predetermined value of the card upon issuing the approval code. See, for example, at least references to decrementing an account balance, at least Col. 14, lines 1-30.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JZ*  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
13 February 2006



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